

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION
CIVIL ACTION NO. 1:12-CV-00999**

JAMIE COOK,

Plaintiff,

v.

**TRS RECOVERY SERVICES, INC.
and TELECHECK SERVICES, INC.,**

Defendants.

**DEFENDANTS' MOTION TO STRIKE
DECLARATIONS OF
PROOF OF SERVICE**

Defendants TRS Recovery Services, Inc. and Telecheck Services, Inc. (together, "Defendants"), by their undersigned counsel, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, hereby move to strike in their entirety the "Declaration of Proof of Service served on Telecheck Services, Inc." and "Declaration of Proof of Service served on TRS Recovery Services, Inc.," which were filed by plaintiff Jamie Cook ("Plaintiff") on October 25, 2012 (Docket Entries 5 and 6). On September 17, 2012, Defendants returned to Plaintiff's counsel executed Waivers of the Service of Summons, and therefore, the time for Defendants to plead responsively to the Complaint has not yet expired. (Waivers of the Service of Summons (Form AO 399) for both Defendants are attached as Exhibit B to Defendants' Brief.) Defendants have attempted to consult with counsel for Plaintiff and have requested that the Declarations of Proof of Service be withdrawn, but as of this filing, he has not withdrawn these documents.

WHEREFORE, defendants TRS Recovery Services, Inc. and Telecheck Services, Inc. respectfully request that this Court issue an Order striking the Declarations of Proof of Service from the record and allowing Defendants through November 9, 2012 to plead responsively to the Complaint.

Respectfully submitted this the 1st day of November 2012.

**TRS RECOVERY SERVICES, INC. AND
TELECHECK SERVICES, INC.,**

By Spilman Thomas & Battle, PLLC

/s/ R. Scott Adams

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CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of November 2012 electronically filed the foregoing ***DEFENDANTS' MOTION TO STRIKE DECLARATIONS OF PROOF OF SERVICE*** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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/s/ R. Scott Adams
R. Scott Adams (N.C. State Bar No. 36581)